



United States Department of State

Washington, D.C. 20520



December 7, 2009

Mr. J. Michael McMahon
Clerk of the Court
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

**Re: Hegna, et al. v. Islamic Republic
of Iran, et al. Case No. 18MS0302**

Dear Mr. McMahon:

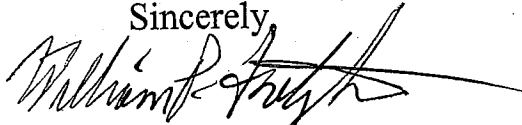
I am writing regarding the Court's request for service of an Amended Order of June 8m 2000, an Order to Show Cause, a Scheduling Order, a Notice of Suit, a Motion for an Order to Show Cause, a Motion to Amend the Order to Show Cause, a Memorandum in Support of the Motion to Show Cause with Exhibits, and an Affidavit of Ralph P. Dupont with Exhibits translations pursuant to 28 U.S.C. 1608(a)(4) upon the Islamic Republic of Iran as a defendant in the above mentioned lawsuit.

Because the United States does not maintain diplomatic relations with the government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note number 1081-IE, dated and delivered on September 8, 2009.

In accordance with the procedures established for the implementation of the Foreign Sovereign Immunities Act, I have enclosed copies of each document served, along with certified copies of the diplomatic notes used to transmit them.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 736-9115.

Sincerely,

A handwritten signature in black ink, appearing to read 'William P. Fritzlen', with a long horizontal flourish extending to the right.

William P. Fritzlen

Attorney Adviser

Office of Policy Review and Interagency Liaison

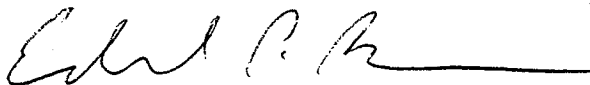
Enclosures As Stated

Cc: Barbara J. Dupont
The Dupont Law Firm, LLP
1177 High Ridge Rd.
Stamford, CT 06905

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern Canton of Bern) SS:
Embassy of the United States of America)

I, Edward P. Birsner, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 18297 dated September 3, 2009, which was transmitted to the Swiss Ministry of Foreign Affairs on September 3, 2009 for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.



(Signature of Consular Officer)

Edward P. BIRSNER
(Typed name of Consular Officer)

Consul General of the United States of America
(Title of Consular Officer)

November 13, 2009
(Date)



September 3, 2009

CONS NO. 18297

Federal Department of Foreign
Affairs
Foreign Interests Service
Bundeshaus Nord
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the
Foreign Sovereign Immunities Act (FSIA) - HEGNA, et al. v.
The Islamic Republic of Iran, et al., Case No. 18MS0302

REF: ----

The Department of State has requested the delivery of the enclosed Amended Order of June 8, 2000, Order to Show Cause, Scheduling Order, Notice of Suit, Motion for an Order to Show Cause, Motion to Amend the Order to Show Cause, Memorandum in Support of the Motion to Show Cause with Exhibits, Affidavit of Ralph P. Dupont with Exhibits and translations to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter of Hegna, et al. The Islamic Republic of Iran, et al., Case No. 18MS0302.

The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. The defendant to be served in this case is the Islamic Republic of Iran. The American Interests Section should transmit the Amended Order of June 8, 2000, Order to Show Cause, Scheduling Order, Notice of Suit, Motion for an Order to Show Cause, Motion to Amend the Order to Show Cause, Memorandum in Support of the Motion to Show Cause with Exhibits, Affidavit of Ralph P. Dupont with Exhibits and translations to the Iranian Ministry of Foreign Affairs under cover of a diplomatic note utilizing the language provided in the enclosed instruction.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute a certification of the diplomatic note, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is the appropriate part of a message the Embassy received from the Department of State as well as one set of documents for the Islamic Republic of Iran.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document bears the genuine seal
of the Swiss Federal Department of Foreign Affairs.

I certify under penalty of perjury under the laws of the
United States that the foregoing is true and correct.


(Signature of Consular Officer)

Edward P. BIRSNER
(Typed name of Consular Officer)

Consul General of the United States of America
(Title of Consular Officer)

November 13, 2009
(Date)

Eidgenössische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Eidgenössisches Departement für
auswärtige Angelegenheiten EDA

26771

Referenz / Aktenzeichen:

K.252.22 USA/IRAN 02-4

Das Eidgenössische Departement für auswärtige Angelegenheiten bezieht sich auf die Note CONS No. 18297 vom 3. September 2009 betr. die Übermittlung von Gerichtsakten im Fall Hegna an die Islamische Republik Iran, und beehrt sich, der Botschaft der Vereinigten Staaten von Amerika in der Beilage folgende Unterlagen zuzustellen, die es vom Dienst für amerikanische Interessen der Schweizerischen Botschaft in Teheran zurückerhalten hat:

- **Gerichtsakten: Judicial Assistance: Hegna, et al. v. The Islamic Republic of Iran, et al., Case No. 18MS0302.**
- **Note Nr. 1081-IE vom 8. September 2009 und "Proof of Service", datiert vom 8. September 2009, sowie die Beglaubigung der Unterschrift durch die Schweizerische Bundeskanzlei datiert vom 18. September 2009.**

Der genannte Dienst hat die oben erwähnten Gerichtsakten am 7. September 2009 erhalten. Er hat diese samt seiner Note Nr. 1081-IE (Islamic Republic of Iran) am 8. September 2009 an das iranische Aussenministerium übergeben. **Die Annahme der Originalnote samt Beilagen wurde jedoch durch das iranische Aussenministerium gleichentags verweigert und ohne Kommentar zurückgegeben.** In der Beilage erhalten Sie die erwähnte Note als 'evidence of delivery', mit der Bestätigung der Bundeskanzlei datiert vom 18. September 2009.

Das Departement benützt auch diesen Anlass um die Botschaft seiner ausgezeichneten Hochachtung zu versichern.

Bern, 18. September 2009

Beilagen erwähnt

An die Botschaft der Vereinigten
Staaten von Amerika

B e r n



Informal Embassy translation from the German of SPP Note No. 26771 dated September 18, 2009:

"The Federal Department of Foreign Affairs, referring to Embassy's note No. 18297 of September 3, 2009 concerning the transmission of the court documents in the case of Hegna v. the Islamic Republic of Iran and has the honor to submit to the Embassy of the United States of America the following enclosures received from the American Interests Section of the Swiss Embassy in Tehran.

- Court documents: Judicial Assistance: Hegna, et al. v. The Islamic Republic of Iran,, et al., Case No. 18MS0302
- Note No. 1081-IE dated September 8, 2009 and 'Proof of service' dated September 8, 2009 furnished with the authentication of signature made by the Swiss Federal Chancellery dated September 18, 2009

The Interests Section delivered the above mentioned court documents and its note No. 1081-IE (Islamic Republic of Iran) on September 8, 2009 to the Iranian Ministry of Foreign Affairs. On the same day the receipt of the note and attachments was refused by the Iranian Ministry of Foreign Affairs and returned with no comment. Enclosed is the mentioned note as 'evidence of delivery' furnished with the authentication of signature made by the Swiss Federal Chancellery on September 18, 2009.

Complimentary close.

Bern, September 18, 2009

Enclosures as stated"

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document is executed by the
genuine signature and seal of the following named official
who, in an official capacity, is empowered by the laws of
Switzerland to execute that document.

I certify under penalty of perjury under the laws of the
United States that the foregoing is true and correct.

Ruth EGGER

(Typed name of Official who executed the annexed document)


(Signature of Consular Officer)

Edward P. BIRSNER
(Typed name of Consular Officer)

Consul General of the United States of America
(Title of Consular Officer)

November 13, 2009
(Date)

rische Eidgenossenschaft
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Embassy of Switzerland in Iran

No. 1081-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran and has the honor to refer the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit Hegna, et al. v. The Islamic Republic of Iran, et al, Case No. 18 MS 0302, which is pending in the U.S. Federal District Court for the District of Columbia. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits the following documents herewith: Amended Order of June 8, 2000, Order to Show Cause, Scheduling Order, Notice of Suit, Motion for an Order to Show Cause, Motion to Amend the Order to Show Cause, Memorandum in Support of the Motion to Show Cause with Exhibits, Affidavit of Ralph P. Dupont with Exhibits and translations. The U.S. Federal District Court has requested the transmittal of this document. This note constitutes transmittal of this document to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608 (a)(4).

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. Otherwise, proceedings will continue without an opportunity to present arguments or evidence. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

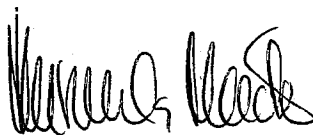
The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration.

Tehran – September 08, 2009 (Shahrivar 17, 1388)

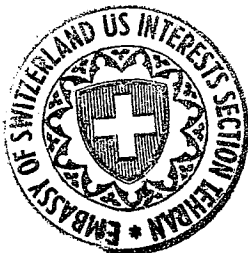
**Ministry of Foreign Affairs of the
Islamic Republic of Iran**

Tehran

I, Manuela Mäder, Attachée of the Foreign Interests Section of the Embassy of Switzerland in Tehran certify that this is a true copy of the diplomatic note number 1081 -IE dated September 08, 2009 and delivered to the Iranian Ministry of Foreign Affairs on September 08, 2009.



Manuela Mäder
Attachée of Foreign Interests Section



Tehran – September 08, 2009

APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION

This public document

2. has been signed by Manuela Mäder

3. acting in the capacity of officers

4. bears the seal/stamp of

Embassy of Switzerland US Interests Section Tehran

Certified

5. at Berne

6. the 18 September 2009

7. by Ruth Egger
functionary of the Swiss federal Chancellery

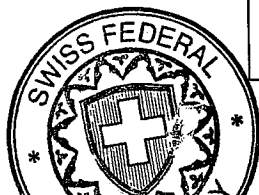
8. No 015975

9. Seal/stamp:

10. Signature:

Swiss federal Chancellery

Ruth Egger



ترجمه غیر رسمی

سفارت سوئیس

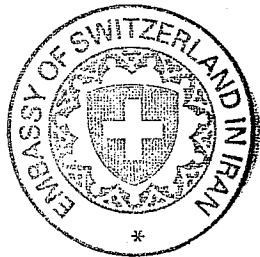
شماره IE-۱۰۸۱

سفارت سوئیس در تهران با اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران احتراماً توجه آن وزارت محترم را به دعوی حقوقی اقامه شده تحت عنوان هگنا و افراد دیگر علیه جمهوری اسلامی ایران و افراد دیگر که تحت پرونده شماره ۰۳۰۲ MS ۱۸ در دادگاه فدرال ناحیه ای ایالات متحده آمریکا برای ناحیه کلمبیا مفتوح میباشد جلب مینماید. جمهوری اسلامی ایران طرف خوانده در این پرونده میباشد. قسمت حافظ منافع خارجی بنا به درخواست دادگاه فدرال ناحیه ای ایالات متحده بدینوسیله مدارک زیر را ایفاد میدارد: دستور اصلاحی مورخ ۸ ژوئن ۲۰۰۰، حکم برای ارائه دلیل، دستور برنامه ریزی، آگهی دادرسی، پیشنهاد حکم برای ارائه دلیل، پیشنهاد اصلاح حکم برای ارائه دلیل، یادداشت قضایی در حمایت از پیشنهاد ارائه دلیل با شواهد، سوگندنامه رالف پ. دوپونت همراه با شواهد و ترجمه آنها. برابر مقررات فصل ۲۸ بخش ۱۶۰۸ بند (الف) (۴) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدارک مذکور به دولت جمهوری اسلامی ایران تلقی میگردد.

بدینوسیله اشعار میدارد که طبق قوانین ایالات متحده آمریکا هر گونه دفاع مربوط به قلمرو قضایی و یا دفاع دیگری از جمله عنوان نمودن مصونیت مبنی بر حاکمیت بایستی خطاب به دادگاهی صورت گیرد که موضوع در آن مفتوح میباشد و از این رو مشورت با یک مشاور حقوقی در ایالات متحده آمریکا توصیه میگردد. در غیر اینصورت سیر کار پرونده بدون آنکه فرصت ارائه شواهد و دفاعیه وجود داشته باشد ادامه پیدا خواهد کرد. وزارت امور خارجه ایالات متحده آمریکا آماده گفتگو در مورد قوانین مربوطه میباشد. دولت ایالات متحده آمریکا از طرفین این پرونده نبوده و نماینده هیچ یک از طرفین نخواهد بود.

سفارت سوئیس موقع را مغتنم شمرده احترامات فائقه خود را نسبت به وزارت امور خارجه جمهوری اسلامی ایران تجدید مینماید.

تهران، بتاريخ هفدهم شهریور ۱۳۸۸ (۸ سپتامبر ۲۰۰۹)



وزارت امور خارجه جمهوری اسلامی ایران
تهران